

Stillman Exhibit 13



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September 10, 2009

VIA E-MAIL & U.S. MAIL

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OUR FILE NUMBER
749018-00408

WRITER'S DIRECT DIAL
(212) 408-2421

WRITER'S E-MAIL ADDRESS
cbachman@omm.com

Re: Harkabi v. SanDisk, 08-CV-8203 (WHP)(THK)

Dear Charles:

I write to follow up on my recent telephonic updates to you regarding SanDisk's efforts to locate the image copies of the plaintiffs' hard drives.

We have confirmed that immediately upon plaintiffs' departure from employment with SanDisk, their laptops were physically stored in a secured location where they remained for approximately one year. Thereafter, the laptops were imaged and the data was saved onto SanDisk file servers, which in turn were regularly backed up onto tapes, in conformance with SanDisk's document preservation procedures.


Since this litigation commenced, SanDisk has undertaken significant efforts to locate plaintiffs' laptop images. Included among these efforts was a full-scale review of twelve different file servers maintained by the company, manually reviewing every folder on each server. SanDisk also reviewed the relevant file server backup tapes spanning a period of over one year. Despite SanDisk's best efforts, however, plaintiffs' laptop images have not been located.

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Charles A. Stillman, Esq., September 10, 2009 - Page 2

As I promised, I will be sending you declarations by SanDisk employees attesting to the above in the next few days (one of the relevant employees has been unavailable until recently).

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and a final horizontal stroke.

Charles E. Bachman
of O'MELVENY & MYERS LLP

cc: James A. Mitchell, Esq.
Daniel V. Shapiro, Esq.